

BOND SCHOENECK & KING

600 Third Avenue, 22nd Floor | New York, NY 10016-1915 | bsk.com
125 Half Mile Road, Suite 200 | Red Bank, New Jersey 07701 | bsk.com

THOMAS A. MARTIN, ESQ.
tmartin@bsk.com
P: (646) 253.2311
F: (646) 253.2301

December 21, 2022

Via ECF

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: Charter Oak Fire Insurance Company vs. Frascone et. al.
Case No. 22-cv-00815 (KMK) (PED)**

Dear Judge Karas:

We are the attorneys for the plaintiffs, the Charter Oak Fire Insurance Company ("Charter Oak"), in connection with the above captioned case. This letter motion is submitted in accordance with Your Honor's instructions at the status conference in this case held on December 8, 2022. Through this letter motion Charter Oak is seeking to have the limited stay on pre-trial discovery entered by Your Honor on April 20, 2022 (Docket No. 22), lifted.

Your Honor's April 20, 2022 Order in part held "the requirement that Alpha Omega Building Consulting Corp. and Anthony Frascone serve an answer or otherwise respond to the plaintiff's complaint is hereby stayed pending resolution of the state criminal action against defendant Anthony Frascone."

On November 28, 2022, the defendant Anthony Frascone entered a plea of guilty to a Superior Court information that had been filed against him in Rockland County, New York. That plea was entered before the Honorable Kevin F. Russo, Rockland County Court Judge. Incident to the plea of guilty an Order of Restitution was ordered by Judge Russo. (A copy of that Order of Restitution is annexed hereto as Exhibit A.)

As a result of the plea of guilty and the Order of Restitution, the criminal action against Anthony Frascone has been resolved. Charter Oak is, therefore, requesting that the stay regarding the requirement of the defendants Alpha Omega Building Consulting Corp. and Anthony Frascone to serve an answer in response to plaintiffs complaint in this action be lifted and that those defendants be ordered to answer or otherwise respond to the complaint within twenty days

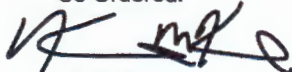
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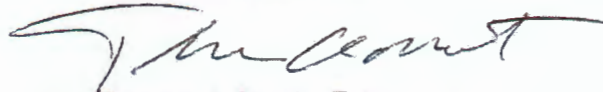
of the order lifting the stay. In addition, Charter Oak requests that all other aspects of the April 20, 2022 stay be lifted such that pre-trial discovery can proceed against all answering defendants once responsive pleadings are filed.

Granted.

So Ordered.


12/21/22

Respectfully submitted,



Thomas A. Martin, Esq.
BOND, SCHOENECK & KING, PLLC

cc: *All counsel via ECF.*

EXHIBIT A

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

ANTHONY FRASCONE,

Defendant.

ORDER OF RESTITUTION

SCI. No. 2022-

UCMS #:

SCI 7081722

-----X
A Superior Court Information having been filed and an action commenced against the
above-named defendant, and a final judgment having been entered against the defendant,

NOW, pursuant to C.P.L. Section 420.10, it is hereby

ORDERED, that the defendant, ANTHONY FRASCONE, whose last known address is 68
Waters Edge, Congers, NY 10920, be and hereby is directed to pay to Travelers (9954 Maryland
Drive, Suite 6100, Richmond, VA 23233) (Reference ID: UB-9H263303) the sum of
\$1,389,998.00 in restitution; and it is further

ORDERED, that the defendant, ANTHONY FRASCONE, whose last known address is 68
Waters Edge, Congers, NY 10920, be and hereby is directed to pay to THE HARTFORD (200
Colonial Center Parkway, Suite 500, Attn: SIU, Lake Mary, FL 32746. the sum of \$217,213.00 in
restitution; and it is further

ORDERED, that the District Attorney file a certified copy of said order with the County
Clerk of Rockland County, and it is further

ORDERED, that the County Clerk of Rockland County be and hereby is directed to enter
said order in the same manner as a judgment in a civil action in accordance with C.P.L.R. Section
5016(a), and immediately after entry of said order, docket the entered
order as a money judgment pursuant to C.P.L.R. Section 5018.

Dated: New City, New York

1-28-22 2022

ENTER *Kevin F. Russo*

Rockland County Court Judge
Hon. Kevin F. Russo
County Court Judge